

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**STEPHEN L. BALL,**

**Plaintiff,**

**v.**

**Case No. 18-CV-1292**

**SCOTT SOBEK,**

**Defendant.**

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**ORDER ON DEFENDANT'S  
MOTION TO COMPEL**

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Stephen L. Ball, who is representing himself, filed a civil rights complaint. The court screened his complaint and allowed him to proceed on an Eighth Amendment deliberate indifference to medical needs claim against defendant Scott Sobek. On April 20, 2020, I entered a scheduling order setting the discovery deadline for August 20, 2020. Sobek filed a motion to dismiss for failure to prosecute or in the alternative a motion to compel discovery and stay the case deadlines. (ECF No. 21). Sobek states that he sent Ball his first set of discovery requests on May 20, 2020. Ball did not respond, so he sent a follow-up letter on June 29, 2020. To date, Sobek has not had any response or any other kind of communication with Ball. However, he also has not received any returned mail. Additionally, Sobek conducted an independent search to locate possible alternative addresses for Ball and was unable to locate him.

Ball's failure to respond raises a question about whether Ball still wants to pursue the case. I will grant Sobek's motion to compel and will give Ball an

opportunity to respond to Sobek's discovery requests or explain to the court in writing why he is unable to do so. I will also stay all deadlines pending in this case and will reset them in the event Ball responds. If Ball does not respond by the below deadline, I will grant Sobek's motion to dismiss and dismiss the case with prejudice and without further notice to Ball *See* Fed. R. Civ. Pro. 37(b)(2)(A)(v) ("If a party . . . fails to obey an order to provide or permit discovery . . . the court where the action is pending may . . . dismiss[] the action or proceeding in whole or part."); Civil L. R. 41(c) ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.").

**IT IS THEREFORE ORDERED**, that Sobek's motion to compel (ECF No. 22) is **GRANTED**. By the end of the day **September 8, 2020**, Ball shall either respond to Sobek's discovery requests or file a letter explaining why he is unable to do so in time for the court to receive it. If the court does not hear from Ball by that date, the court will grant Sobek's motion to dismiss and dismiss the case with prejudice and without further notice to Ball.

**IT IS FURTHER ORDERED** that the discovery deadline and dispositive motion deadline are **STAYED** pending Ball's response.

Dated at Milwaukee, Wisconsin this 19th day of August, 2020.

BY THE COURT:

s/Nancy Joseph  
NANCY JOSEPH  
United States Magistrate Judge